

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MICHAEL D. SMITH and  
MARGUERITE SMITH,

Plaintiffs,

V.

JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION  
and MATTHEW TRAN,

Defendants.

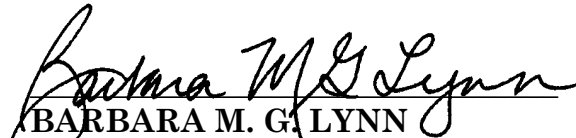
No. 3:14-CV-2402-M-BN

## ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Act claims based on JPMC's collection efforts allegedly made with the intent to abuse or harass Plaintiffs; (2) JPMC's Motion to Dismiss is GRANTED WITHOUT PREJUDICE as to Plaintiffs' claims for breach of contract on the lock-in agreement, and estoppel and waiver, and (3) JPMC's Motion to Dismiss is GRANTED WITH PREJUDICE as to Plaintiffs' claims for conversion, violations of the Texas Debt Collection Practices Act based on JPMC's allegedly making false or misleading statements, violations of the Texas Deceptive Trade Practices Act, and negligence.

Plaintiffs have twenty-one days to replead the claims dismissed without prejudice. If Plaintiffs do not replead, the case will be dismissed with prejudice without further notice.

**SO ORDERED** this 2nd day of December, 2014.

  
**BARBARA M. G. LYNN**  
**UNITED STATES DISTRICT JUDGE**  
**NORTHERN DISTRICT OF TEXAS**